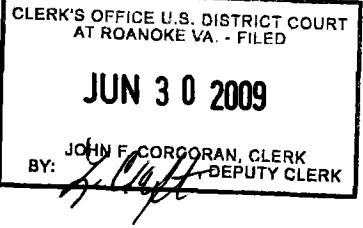


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



TERRY J. MOORE,)
Petitioner,) Case No. 7:09CV00252
v.)
DEPARTMENT OF CORRECTIONS,)
Respondent.) FINAL ORDER
) By: Glen E. Conrad
) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the petition for a writ of mandamus is construed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and **DISMISSED** without prejudice for failure to exhaust state court remedies; and this action is stricken from the active docket of the court.

ENTER: This 30th day of June, 2009.

Glen Conrad

United States District Judge